IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 28806 of 1995

Between:

Andhra Pradesh Rythu Sangham,

K.Kotapadu Mandal Council,

K.Kotapadu, Visakhapatnam District

rep.by its Secretary Sri.B.Rama Rao

..... PETITIONER

AND

1. The Government of Andhra Pradesh,

rep.by its Principal Secretary to Government,
Irrigation & CAD Department,

Secretariat, Hyderabad
2. The Engineer in Chief, Irrigation & CAD Department, Errum Manzil,
Hyderabad
3. The District Collector
Visakhapatnam
4. The Revenue Divisional Officer
Visakhapatnam
5. The Executive Engineer, Irrigation & CAD Department
Visakhapatnam
6. The Mandal Revenue Officer,

K.Kotapadu Mandal, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or direction, or order, under Art.226 of the Constitution of India, more particularly one in the nature of writ of mandamus directing the respondents herein to construct Surplus Weir to Mangamma Tank of Medicherla Village, K.Kotapadu Mandal, Visakhapatnam District immediately.

Counsel for the Petitioner: MR.C.DAMODAR REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT.

The Court made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the respondents to construct Surplus Weir to Mangamma Tank of Medicherla Village, K.Kotapadu Mandal, Visakhapatnam District.

The case of the petitioner is that due to overflowing of Mangamma Tank, and there being no surplus weir to the said Tank, the excess water from the Tank when released, is flooding into the low lying areas, inundating the lands of hundreds of ryots in the village, are adversely affecting the standing crops. With a view to save and store the excess water, the petitioner claims to have submitted a number of representations to the respondents requesting them to construct surplus weir to the said Tank, but no action has been taken thereon. Hence, the petitioner filed the present writ petition.

It is stated by the petitioner that the Mandal Revenue Officer has conducted a detailed enquiry, and after personal inspection of the area, submitted a report to the Revenue Divisional Officer recommending the construction of surplus weir to the said tank. Pursuant thereto, the Revenue Divisional Officer requested the Executive Engineer, Irrigation & CAD to examine the matter and consider and find out the technical ways and means to avert crop damages.

Thereafter, it is submitted that the District Collector, forwarded the representations of the petitioner along with the report of the Mandal Revenue

Officer to the Revenue Divisional Officer to inspect the lands and send a detailed report. On the instructions of the Revenue Divisional Officer, the Mandal Revenue Officer once again inspected the lands and confirmed the report submitted by the former Mandal Revenue Officer. The Executive Engineer, Irrigation & CAD, has also inspected the Mangamma Tank, and recommended for construction of surplus weir to avert damages to the crops, and requested the Revenue Divisional Officer to handover the *Poramboke* lands. Now the matter is pending at that stage.

The writ petition was admitted in the year 1995, and even though one week time was granted to the respondents to file counter on the last occasion, no counter is filed till date.

The learned Government Pleader for Irrigation admitted that though pursuant to the representations of the petitioner, inspections have been conducted and reports submitted by the Mandal Revenue Officer and the Executive Engineer, Irrigation & CAD, and the matter is now pending before the District Collector, who is yet to take a decision.

Having regard to the facts and circumstances of the case, and having regard to the fact that the matter is pending before the District Collector, I deem it appropriate to direct the District Collector to take a decision with regard to construction of surplus weir to the Tank in question, taking into consideration of the inspection reports of the officers concerned submitted in that regard, as stated above, within a period of six months from the date of receipt of a copy of this order.

With the above observations, the writ petition is dismissed. No order as to costs.

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N.V.RAMANA, J

Dated: 29-09-2004

LSK/KSR

To

1. The Principal Secretary to Government,
   Irrigation & CAD Department,

Secretariat, Hyderabad.
2. The Engineer in Chief,

Irrigation & CAD Department, Errum Manzil,
   Hyderabad.
3. The District Collector,
   Visakhapatnam.
4. The Revenue Divisional Officer,
   Visakhapatnam.
5. The Executive Engineer,

Irrigation & CAD Department,
   Visakhapatnam.
6. The Mandal Revenue Officer,

K.Kotapadu Mandal, Visakhapatnam District.

7. Two C.Cs. to the Government Pleader for

Irrigation & CAD, High Court Buildings, Hyderabad.

(OUT)

8. Two C.D. copies.